IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 4876 OF 2006.

Dhananjay Prabhu Gaikwad and Ors. .Petitioners
V/s
Zilla Parishad, Thane & Ors. ..Respondents.

Mr. Apte with Mr. Ashutosh Gole for the petitioners.

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

DATE : 27TH NOVEMBER, 2006.

P.C.

. We have heard Mr. Apte, the learned Counsel for the petitioners. He fairly conceded that the petitioner No.4 has already been appointed and the petition survive only for petitioners Nos. 1 to 3.

2. Mr. Apte has referred to the Circular dated 19/10/2005 issued by the Government of Maharashtra, School Education and Sports. It states that in the academic year 2004-05 against available vacancies the candidates were already on the selection list would be appointed as Shikshan Sevak in the Zilla Parishad

Schools run in Thane District, specially when in said District, there are about 7 Tribal Talukas. The petition has been presented before us in June, 2006 i.e. when the academic year 2006-07 had already commenced. Even if it is presumed that the vacancies for the academic year 2004-05 are still available obviously, they were not filled in the year 2005-06 as well as in the present academic year. The communication dated 19/10/2005 very clearly states that the appointment in the academic year 2005-06 would be by issuing fresh advertisement and initiating fresh selection procedure. On the basis of this policy as relied upon by the petitioners themselves, in the year 2006-07 their prayer cannot be entertained for issuing directions to the Zilla Parishad to appoint them (petitioners No.1 to 3) as Shikshan Sevak under the Thane Zilla Parishad. undoubtedly, the petitioners will have to apply for fresh recruitment and if they apprehend that some of them or all of them have crossed the minimum age, it is for the respondent authority to consider the same.

3. The petition is therefore, rejected.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**